

EXHIBIT F

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 IRVING H. PICARD,

4 Plaintiff,

5 v.

11 Civ. 3605 (JSR)

6 METS LTD. PARTNERSHIP,

7 Defendant.
8 -----x

9
10 New York, N.Y.
11 February 23, 2011
12 4:35 p.m.
13

14 Before:

15 HON. JED S. RAKOFF,

16 District Judge
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1 this one is subject to being reconsidered if a door is opened
2 or something unexpected happens at trial. I'm saying that
3 across the board as to any and all rulings I make on pretrial
4 evidentiary matters, not just as to this one.

5 I will issue a written opinion because I think there
6 ought to be a written opinion as to why I'm striking all three
7 experts. But I think the 403 confusion issue was very large in
8 the case of all three of these experts. I am also very
9 doubtful about the relevance of their methodology and
10 experience. I agree substantially with what Mr. Sheehan just
11 said about Mr. Maine, but I think it applies in a more
12 sophisticated way to his experts as well, and I think there
13 are, therefore, issues, not only under Rule 403, but under Rule
14 402 and Rule 702 of the rules of evidence.

15 That will all be set forth in detail in my written
16 opinion.

17 Let's turn to the motions on summary judgment. Let's
18 start with I guess the motion that is more encompassing, which
19 is the defendant's motion for summary judgment.

20 Ms. Wagner.

21 MS. WAGNER: Thank you, your Honor.

22 Your Honor, as you're very well aware, the trustee is
23 seeking to avoid as intentionally fraudulent withdrawals made
24 by my clients from their brokerage accounts. We move for
25 summary judgment on all counts and the trustee has moved for